

consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**17367. Adulteration and misbranding of butter. U. S. v. 10 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24672. I. S. No. 029021. S. No. 2986.)**

On March 10, 1930, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 10 tubs of butter at Newark, N. J., alleging that the article had been shipped by the De Soto Creamery & Produce Co., from Minneapolis, Minn., on or about February 20, 1930, and transported from the State of Minnesota into the State of New Jersey, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been substituted wholly or in part for the said article and had been mixed and packed with it so as to reduce, lower, or injuriously affect its quality or strength.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On March 27, 1930, Gude & Cole (Inc.), Newark, N. J., claimant, having admitted the allegations of the libel and having consented that a decree be entered condemning and forfeiting the product, judgment was entered ordering that the said product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$300, conditioned in part that it be reworked and reprocessed so that it comply with the requirements of the Federal food and drugs act, and all laws relating thereto.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**17368. Misbranding of butter. U. S. v. 890 Pounds, et al. of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24840. I. S. Nos. 030281, 030282, 030283, 030285, 030286, 030287, 030288, 030289, 030290. S. Nos. 2839, 2840.)**

On February 10, 1930, the United States attorney for the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 1,140 pounds of butter at Atlantic City, N. J., alleging that the article had been shipped by the P. E. Sharpless Co., Philadelphia, Pa., in two lots, on or about February 3 and February 6, 1930, respectively, and transported from the State of Pennsylvania into the State of New Jersey, and charging misbranding in violation of the food and drugs act as amended. The individual packages containing the article were labeled in part, variously: "Sharpless Dairy Products \* \* \* One Pound Net;" "Meadow Farms Butter \* \* \* One Pound Net;" (tissue wrapper on portion) "4 oz. net weight;" "One Pound Net Weight, Meadow Farms Butter;" "P. E. Sharpless Co. 1 lb. net;" "Sharpless Butter Country Roll 8 oz. net;" "P. E. Sharpless Co., Philadelphia. \* \* \* 8 ounces net."

It was alleged in the libel that the article was misbranded in that the statements on the labels, "4 oz. Net," "8 oz. Net" and "1 Pound Net," as the case might be, borne on the labels, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statements, "4 oz. Net," "8 oz. Net," and "1 Pound Net," were incorrect.

On February 17, 1930, the June Dairy Products Co. (Inc.), Newark, N. J., claimant, having admitted the allegations of the libel and having consented that a decree be entered condemning and forfeiting the product, judgment was entered ordering that the said product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it be repacked in tubs and labeled with a correct statement of the contents.

ARTHUR M. HYDE, *Secretary of Agriculture.*